

**LAWS PASSED  
DURING THE  
NINETY-THIRD  
GENERAL ASSEMBLY,  
FIRST EXTRAORDINARY SESSION**

Tuesday, September 6, 2005  
through  
Thursday, September 15, 2005

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## HB 2 [HCS HB 2]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Makes technical corrections to various criminal statutes.**

AN ACT to repeal section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for house committee substitute no. 2 for house bill no. 568 and approved by the governor on June 24, 2005, and section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute no. 2 for senate bill no. 155 and approved by the governor on July 14, 2005, and section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and section 211.038 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for house committee substitute no. 2 for house bill no. 568 and approved by the governor on June 24, 2005, merged with section 211.038 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute no. 2 for senate bill no. 155 and approved by the governor on July 14, 2005, merged with section 211.038 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and section 211.181 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and section 311.310 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 311.310 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, and section 311.310 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate bill no. 402 and approved by the governor on July 13, 2005, and section 565.024 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 565.024 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, and section 568.050 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 568.050 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 568.050 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005,

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and section 577.023 as enacted by the first regular session of the ninety-third general assembly in senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 972 and approved by the governor on July 13, 2005, merged with section 577.023 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 577.023 as enacted by the first regular session of the ninety-third general assembly in house committee substitute for senate substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424 and approved by the governor on July 13, 2005, merged with section 577.023 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 577.625 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and section 577.628 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, and to enact in lieu thereof seven new sections relating to crime, with penalty provisions and an emergency clause.

#### SECTION

- A. Enacting clause.
  - 210.117. Child not reunited with parents or placed in a home, when.
  - 210.117. Child not reunited with parents or placed in a home, when.
  - 210.117. Child not reunited with parents or placed in a home, when.
  - 211.038. Children not to be reunited with parents or placed in a home, when — discretion to return, when.
  - 211.181. Order for disposition or treatment of child — suspension of order and probation granted, when — community organizations, immunity from liability, when — length of commitment may be set forth — assessments, deposits, use.
  - 311.310. Sale to minor — certain other persons, misdemeanor — exceptions — permitting drinking or possession by a minor, penalty, exception — defenses.
  - 311.310. Sale to minor — certain other persons, misdemeanor — exceptions — permitting drinking or possession by a minor, penalty, exception — defenses.
  - 565.024. Involuntary manslaughter, penalty.
  - 568.050. Endangering the welfare of a child in the second degree.
  - 568.050. Endangering the welfare of a child in the second degree.
  - 577.023. Aggravated, chronic, persistent and prior offenders — enhanced penalties — imprisonment requirements, exceptions — procedures — definitions.
  - 577.023. Aggravated, chronic, persistent and prior offenders — enhanced penalties — imprisonment requirements, exceptions — procedures — definitions.
  - 577.625. Distribution of prescription medication on public or private school property — exceptions — violations, penalty.
  - 577.628. Possession of prescription medication on public or private school property — exceptions — violations, penalty.
- B. Emergency clause.
- C. Severability clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for senate substitute for house committee substitute no. 2 for house bill no. 568 and approved by the governor on June 24, 2005, and section 210.117 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute no. 2 for senate bill no. 155 and approved by the governor on July 14, 2005, and section 210.117 as enacted by the first regular session of the ninety-third general assembly in

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substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353 and approved by the governor on July 13, 2005, are repealed and seven new sections enacted in lieu thereof, to be known as sections 210.117, 211.038, 211.181, 311.310, 565.024, 568.050, and 577.023, to read as follows:

**[210.117. CHILD NOT REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN. — 1.** A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

- (1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215, RSMo;
- (2) A violation of section 568.020, RSMo;
- (3) A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;
- (4) A violation of section 568.065, RSMo;
- (5) A violation of section 568.080, RSMo;
- (6) A violation of section 568.090, RSMo; or
- (7) A violation of section 568.175, RSMo.

2. For all other violations of offenses in chapters 566 and 568, RSMo, not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.]

**[210.117. CHILD NOT REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN. — 1.** No child taken into the custody of the state shall be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, when a child was the victim, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, when a child was the victim, or an offense committed in another state when a child is the victim, that would be a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, if committed in Missouri; provided however, nothing in this section shall preclude the division from exercising its discretion regarding the placement of a child in a home in which the parent or any person residing in the home has been found guilty of or pled guilty or nolo contendere to any offense excepted or excluded in this section.

2. If a court of competent jurisdiction determines, or the division determines, based on a substantiated report of child abuse that is upheld by the child abuse and neglect review board, that a minor has abused another child, such minor shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.]

**210.117. CHILD NOT REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN. — 1.** A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215, RSMo;

(2) A violation of section 568.020, RSMo;

(3) A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

(4) A violation of section 568.065, RSMo;

(5) A violation of section 568.080, RSMo;

(6) A violation of section 568.090, RSMo; or

(7) A violation of section 568.175, RSMo.

2. For all other violations of offenses in chapters 566 and 568, RSMo, not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. In any case where the children's division determines[,] based on a substantiated report of child abuse, that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child **or any child care facility or school that the abused child attends**, unless and until a court of competent jurisdiction determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are **siblings or children living in the same home**.

**211.038. CHILDREN NOT TO BE REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN — DISCRETION TO RETURN, WHEN. —** 1. A child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215, RSMo;

(2) A violation of section 568.020, RSMo;

(3) A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

(4) A violation of section 568.065, RSMo;

(5) A violation of section 568.080, RSMo;

(6) A violation of section 568.090, RSMo; or

(7) A violation of section 568.175, RSMo.

2. For all other violations of offenses in chapters 566 and 568, RSMo, not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if committed in Missouri, the juvenile court may exercise its discretion regarding the placement of a child under the jurisdiction of the juvenile court in a home in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a [minor] **child** has abused another child, such [minor] **abusing child** shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between **siblings or children living in the same home**.

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**211.181. ORDER FOR DISPOSITION OR TREATMENT OF CHILD — SUSPENSION OF ORDER AND PROBATION GRANTED, WHEN — COMMUNITY ORGANIZATIONS, IMMUNITY FROM LIABILITY, WHEN — LENGTH OF COMMITMENT MAY BE SET FORTH — ASSESSMENTS, DEPOSITS, USE.** — 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the [victim] **abused child** of that offense until the [victim] **abused child** reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the [victim] **abused child** shall not apply when the abusing child and the [victim] **abused child** are **siblings or** children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

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- (4) Place the child in a family home;
- (5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;
- (6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;
- (7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;
- (8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;
- (9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

**[311.310. SALE TO MINOR — CERTAIN OTHER PERSONS, MISDEMEANOR — EXCEPTIONS — PERMITTING DRINKING OR POSSESSION BY A MINOR, PENALTY, EXCEPTION — DEFENSES.**

— 1. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property is prohibited from knowingly allowing a person under the age of twenty-one to drink or possess intoxicating liquor or knowingly failing to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one to drink or possess intoxicating liquor is his or her parent or guardian. A person who violates the provisions of this subsection is guilty of a class A misdemeanor.]

**311.310. SALE TO MINOR — CERTAIN OTHER PERSONS, MISDEMEANOR — EXCEPTIONS — PERMITTING DRINKING OR POSSESSION BY A MINOR, PENALTY, EXCEPTION — DEFENSES.**

— 1. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

2. [Any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property, except for a parent or guardian, who knowingly allows any person under the age of twenty-one years to consume intoxicating liquor on such property, or knowingly fails to stop any person under the age of twenty-one years from consuming intoxicating liquor on such property shall be deemed guilty of a class B misdemeanor.] **Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one to drink or possess intoxicating liquor is his or her**

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parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent violation of this subsection is a class A misdemeanor.

3. It shall be a defense to prosecution under this section if:

(1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;

(2) The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one or more years of age; and

(3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri nondriver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the legal age for consumption of intoxicating liquor.

**565.024. INVOLUNTARY MANSLAUGHTER, PENALTY.** — 1. A person commits the crime of involuntary manslaughter in the first degree if he **or she**:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person; **or**

**(3) While in an intoxicated condition operates a motor vehicle in this state, and, when so operating, acts with criminal negligence to:**

**(a) Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or**

**(b) Cause the death of two or more persons; or**

**(c) Cause the death of any person while he or she has a blood alcohol content of at least eighteen- hundredths of one percent by weight of alcohol in such person's blood.**

2. [Except as provided in subsections 3 and 4 of this section,] Involuntary manslaughter in the first degree **under subdivision (1) or (2) of subsection 1 of this section** is a class C felony.

3. A person commits the crime of involuntary manslaughter in the first degree if he or she while in an intoxicated condition operates a motor vehicle in this state, and, when so operating, acts with criminal negligence to:

(1) Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or

(2) Cause the death of two or more persons; or

(3) Cause the death of any person while he or she has a blood alcohol content of at least eighteen- hundredths by weight of alcohol in such person's blood.

4.] Involuntary manslaughter in the first degree under subdivision [(1), (2), or] (3) of subsection [3] **1** of this section is a class B felony. A second or subsequent violation of subdivision (3) of subsection [3] **1** of this section is a class A felony. For any violation of **subdivision (3) of subsection [3] 1** of this section, the minimum prison term which the defendant must serve shall be eighty-five percent of his or her sentence.

[5.] **3.** A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

[6.] **4.** Involuntary manslaughter in the second degree is a class D felony.

**568.050. ENDANGERING THE WELFARE OF A CHILD IN THE SECOND DEGREE.** — 1. A person commits the crime of endangering the welfare of a child in the second degree if:

(1) He or she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or

(2) He or she knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions

of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he or she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(4) He or she knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 195.130, RSMo; or

(5) He or she operates a vehicle in violation of **subdivision (2) or (3) of subsection [2] 1** of section 565.024 [or], **subdivision (4) of subsection 1 of section 565.060**, section 577.010, or **section 577.012**, RSMo, while a child less than seventeen years old is present in the vehicle.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

**[568.050. ENDANGERING THE WELFARE OF A CHILD IN THE SECOND DEGREE. — 1. A** person commits the crime of endangering the welfare of a child in the second degree if:

(1) He or she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or

(2) He or she knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he or she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(4) He or she knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 195.130, RSMo; or

(5) The person operates a vehicle in violation of section 565.024, RSMo, 565.060, RSMo, 577.010, RSMo, or 577.012, RSMo, while a child less than seventeen years of age is present in the vehicle.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.]

**577.023. AGGRAVATED, CHRONIC, PERSISTENT AND PRIOR OFFENDERS — ENHANCED PENALTIES — IMPRISONMENT REQUIREMENTS, EXCEPTIONS — PROCEDURES — DEFINITIONS. — 1. For purposes of this section, unless the context clearly indicates otherwise:**

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses [or a person who]; or

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(b) Has pleaded **guilty** to or has been found guilty of **one or more intoxication-related traffic offense and, in addition, any of the following:** involuntary manslaughter under subdivision (2) **or** (3) of subsection 1 [or subsections 3 and 4] of section 565.024, RSMo[.]; **murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense;** **or** assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo[.]; **or** assault of a law enforcement officer in the second degree under subdivision [(3)] (4) of subsection 1 of section 565.082, RSMo[, and in addition, one other intoxicated-related traffic offense];

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; **or**

(b) A person who has pleaded guilty to or **has** been found guilty of, on two or more separate occasions, **any combination of the following:** involuntary manslaughter under subdivision (2) **or** (3) of subsection 1 [or subsections 3 and 4] of section 565.024, RSMo[.]; **murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense;** assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo[.]; **or** assault of a law enforcement officer in the second degree under subdivision [(3)] (4) of subsection 1 of section 565.082, RSMo; **or**

(c) A person who has pleaded guilty to or **has** been found guilty of **two or more intoxication-related traffic offenses and, in addition, any of the following:** involuntary manslaughter under subdivision (2) **or** (3) of subsection 1 [or subsections 3 and 4] of section 565.024, RSMo[.]; **murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense;** assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo[.]; **or** assault of a law enforcement officer in the second degree under subdivision [(3)] (4) of subsection 1 of section 565.082, RSMo[, and in addition, two or more intoxication-related traffic offenses];

(3) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) **or** (3) of subsection 1 [or subsections 3 and 4] of section 565.024, RSMo[.]; **murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense;** assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision [(3)] (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to **subdivision (2) or (3) of** subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision [(3)] (4) of subsection 1 of section 565.082, RSMo; and

(5) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction

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or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state court shall be treated as a prior conviction.

**[577.023. AGGRAVATED, CHRONIC, PERSISTENT AND PRIOR OFFENDERS — ENHANCED PENALTIES — IMPRISONMENT REQUIREMENTS, EXCEPTIONS — PROCEDURES — DEFINITIONS. —** 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who has pleaded guilty to or been found guilty of three or more intoxication-related traffic offenses or a person who has pleaded guilty to or has been found guilty of involuntary manslaughter under section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; and in addition, one other intoxication-related traffic offense;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or been found guilty of, on two or more separate occasions, involuntary manslaughter under section 565.024, RSMo, assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo, or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(c) A person who has pleaded guilty to or been found guilty of involuntary manslaughter under section 565.024, RSMo, assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo, or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo, and in addition, two or more intoxication-related traffic offenses;

(3) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to section 565.024, RSMo, murder in the second degree pursuant to section 565.021, RSMo, where the underlying felony is an intoxication-related offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo; and

(5) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction

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or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state court shall be treated as a prior conviction.]

**[577.625. DISTRIBUTION OF PRESCRIPTION MEDICATION ON PUBLIC OR PRIVATE SCHOOL PROPERTY — EXCEPTIONS — VIOLATIONS, PENALTY. —** 1. No person less than eighteen years of age shall distribute upon the real property comprising a public or private elementary or secondary school or school bus a prescription medication to any individual who does not have a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010, RSMo.

2. The provisions of this section shall not apply to any person less than eighteen years of age authorized to distribute a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338, RSMo. This section shall not limit the use of any prescription medication by emergency personnel, as defined in section 565.081, RSMo, during an emergency situation.

3. Any person less than eighteen years of age who violates this section is guilty of a class B misdemeanor for a first offense and a class A misdemeanor for any second or subsequent offense.]

**[577.628. POSSESSION OF PRESCRIPTION MEDICATION ON PUBLIC OR PRIVATE SCHOOL PROPERTY — EXCEPTIONS — VIOLATIONS, PENALTY. —** 1. No person less than eighteen years of age shall possess upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010, RSMo.

2. The provisions of this section shall not apply to any person less than eighteen years of age authorized to possess a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338, RSMo. This section shall not limit the use of any prescription medication by emergency personnel, as defined in section 565.081, RSMo, during an emergency situation.

3. Any person less than eighteen years of age who violates the provisions of this section is guilty of a class C misdemeanor for a first offense and a class B misdemeanor for any second or subsequent offense.]

**SECTION B. EMERGENCY CLAUSE. —** Because immediate action is necessary to correct statutory inconsistencies regarding criminal liability for certain offenses section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

**SECTION C. SEVERABILITY CLAUSE. —** If the repeal and reenactment of sections 311.310, 565.024, 568.050, and 577.023 and the repeal of sections 311.310, 568.050, 577.023, 577.625 and 577.628 of section A of this act or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.

Approved September 15, 2005

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Prohibits the posting of certain personal information on the internet.**

AN ACT to repeal section 1 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and to enact in lieu thereof one new section relating to the posting of certain information on the Internet, with a penalty provision and an emergency clause.

**SECTION**

- A. Enacting clause.
  - 1. Posting of certain information over the Internet prohibited, when.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 1 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, is repealed and one new section enacted in lieu thereof, to be known as section 1, to read as follows:

**SECTION 1. POSTING OF CERTAIN INFORMATION OVER THE INTERNET PROHIBITED, WHEN.** — [1. No court or state or local agency shall post the home address, Social Security number, or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of such official.

2.] No person shall knowingly post the **name**, home address, Social Security number, or telephone number of any [elected or appointed official, or of such official's residing spouse or child] **person** on the Internet [knowing that person is an elected or appointed official and] intending to cause [imminent] great bodily harm [that is likely to occur] **or death**, or threatening to cause [imminent] great bodily harm **or death** to such [official, spouse, or child] **person**. Any person who violates this [subsection] **section** is guilty of a class C misdemeanor.

[3. For purposes of this section, "elected or appointed official" includes but is not limited to all of the following:

- (1) State constitutional officers;
- (2) Members of the Missouri general assembly;
- (3) Judges, court commissioners, and circuit clerks;
- (4) Directors of state departments;
- (5) Prosecuting attorneys and assistant prosecuting attorneys;
- (6) Public defenders;
- (7) County commissioners;
- (8) Members of a city council;
- (9) Mayors;
- (10) City attorneys and county counselors;
- (11) Police chiefs and sheriffs;
- (12) Peace officers under chapter 590, RSMo;
- (13) Probation and parole officers, and members of the parole board.

4. Upon becoming aware that his or her home address, Social Security number, or telephone number has been made available over the Internet, any person covered by this section shall inform the court or state or local agency of such fact and request removal of such information. Upon becoming aware, the failure of a person covered by this section to notify a

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state or public agency shall relieve such agency of the obligation to remove prohibited information.]

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to prevent assessment of liability for the unintentional dissemination of certain information on the Internet section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved September 15, 2005

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